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7590		11/24/2008	EXAMINER	
LAW OFFICE OF DOUGLAS E. MCKINLEY, Jr. P.O. BOX 202 RICHLAND, WA 99352			ROBINSON, GRETA LEE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/714,541	Applicant(s) GIBSON ET AL.
	Examiner Greta L. Robinson	Art Unit 2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 August 2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 23-28 and 32 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 and 29-31 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/1449B)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. Claims 1-32 are pending in the present application. Claims 23-28 and 32 have status withdrawn.

Drawings

2. Applicant's remarks filed August 21, 2008 concerning drawing objection cited under 37 CFR 1.83(a) are found *persuasive*, therefore the drawing objection is withdrawn.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 15-22 and 31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Regarding claims 15-22 and 31, the specification defines the "computer readable medium" to include signal bearing transmission/communication media, and this type of medium is non-statutory [note: disclosure page 13 lines 3-18]. Also, in response to Applicant's comment that the claim transforms data, *as presently written the language of the claim omits definite language that data is converted or transformed* to meet requirement of 35 USC 101. Note the preamble recites "a method for extracting and converting data from one or more information

sources in to a common format"; however the body of the claim omits recitation that data is "converted" or transformed.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-22 and 29-31 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the universal processing agent [see: Figure 3 (108); page 22 lines 8-10].

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-7, 9-13, 15-21 and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Webber US Patent 5,909,570.

Regarding claim 1, **Webber** teaches a method for extracting and converting data from one or more information sources into a common format [note: Abstract "facilitate conversion between data formats"; col. 2 lines 60-67 *extracting and converting data*], comprising:

receiving said information sources [note: Figure 1; col. 6 lines 57-64 "*the inbound computer dataset 2 represents the incoming information from remote sending computer's dataset that is to be received and processed by the host computer*"];

receiving at least one pattern descriptor selected from a graphical user interface [note: col. 7 lines 9-38 *field descriptions 400 (parameters needed for mapping)*];

receiving one or more templates, each of said templates having said at least one pattern descriptor [note: col. 6 line 65 through col. 7 line 9 "*the template mapping system 10 of the present invention, and is thereby restructured and reformatted to be compatible with receiving*"];

applying said one or more templates to said information sources [note: col. 7 lines 39-45 *mapping template rules*];

generating said data in a common format by parsing said information sources with storing said data in said common format [note: col. 7 lines 39-51; col. 4 lines 23-49, col. 13 lines 23-49].

Regarding claims 2-3, "wherein storing said data in said common format, said method further comprises communicating said data to an application configured to process said

common format ... wherein said application is a database application" [note: col. 5 lines 48-65 *EDI Application*].

Regarding claim 4, "wherein said common format for said structured data is an Extensible markup Language (XML) format [note: Figure 14; col. 2 lines 16-54 *custom formats allow for conversion and exchange of information*].

Regarding claims 5 and 6, "generating one or more templates by selecting a file from said information sources, and having a user select one or more pattern descriptors to describe said file ...further comprising permitting said user to define said one or more pattern descriptors" [note: Figures 1-3, col. 9 lines 5-12 rules define how data will be processed; col. 10 lines 3-7; also note col. 14 lines 32-67].

Regarding claim 7, "wherein before receiving and said one or more templates, said method further comprises permitting said user to select one or more templates from a template library" [note: col. 9 lines 5-12 *process rules* 50].

Regarding claim 29, "wherein the information sources are selected from the group of structured information sources, semi-structured information sources, unstructured information sources and combination thereof [note: col. 4 lines 20-49; col. 9 lines 53-60 *may be configured to work with select data types*].

The limitations of claims 9-13, 15-18, 20, 30 and 31 have been addressed above in claims 1-4, 7 and 29; therefore they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 8, 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber US Patent 5,909,570 in view of Lennon US Patent 7,287,018 B2.

Webber teaches the invention substantially as applied to claim 1; however regarding claim 8, they do not explicitly teach storage bins consisting of an input bin, a

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wait bin, an incomplete bin, and complete bin". Lennon teaches descriptors can be complex data types that can be represented in a hierarchical fashion such as in bins [see: col. 15 lines 51-64]. Lennon et al. teaches the descriptors may be extended based on the existence or absence of stored descriptors [see: col. 15 line 64-col. 16 line 16]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Lennon et al. with Webber because various storage bins would provide a means of converting and transforming information into a compatible format.

The limitations of claims 14 and 22 have been addressed above in claim 8; therefore they are rejected under the same rationale.

Response to Arguments

11. Applicant's arguments filed August 21, 2008 have been fully considered but they are not persuasive. In the response Applicant argued the following:

ARGUMENT: Drawings are in compliance with 37 CFR 1.83(a) in illustrating a user can select a template from a template library. Applicant references page 16 lines 1-10, Figure 4 step 156, and Figure 3 element 109 template library for support in feature.

RESPONSE: The drawing objection has been withdrawn; Applicant's remarks overcome the drawing objection.

ARGUMENT: Applicant's argue claims 15-22 and 31 are in compliance with 37 CFR 101. Applicant's states the specification defines computer readable medium to include signal bearing transmission/communication media and that this type of medium is non-statutory [see: page 3 lines 1-2]. Applicant also argues the claim defines a structural relationship in which a method for extracting and converting data is implemented, stating transformation of data is a safe harbor under the Guidelines of 35 USC 101.

RESPONSE: The examiner respectfully maintains the rejection cited under 35 USC 101. The examiner agrees with Applicant statement that signal bearing transmission/communication media and that this type of medium is non-statutory. The language defining the medium on page 6 of the disclosure does not appear to limit the type of medium in which data may be transmitted. The examiner suggests an amendment to clarify statutory implementation of the invention. Also Applicants argument that data is transformed is not found fully persuasive; note new comments concerning transformation of data supra.

ARGUMENT: Applicant argues claim 1 supports and sets forth the steps of the limitation of a universal parsing agent. Applicant makes reference to Figure 4 stating that Figure 4 depicts the universal processing agent.

RESPONSE: The examiner *respectfully maintains* the rejection cited under 35 USC 112 second for omitted limitation. Claim 1 is silent as to specific limitation "universal parsing

agent"; the claim does recite a "parsing" but, does not recite that the parser is a universal parsing agent. Support can be found in Figure 3 element 108 and page 22 lines 8-10.

ARGUMENT: The present invention is directed towards translating multiple data sets that include data sets that are not pre-defined or recognized by the system into a common format. Also, Applicant states the present invention does not generate the template mapping system with no input from the user.

RESPONSE: In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "translating multiple data sets that include data sets that are not pre-defined or recognized by the system into a common format" and "generate a template mapping system") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). However, Weber provides for the limitation "receiving one or more templates, each of said templates having said at least one pattern descriptor" through Webers template mapping system in which data is reformatted and made compatible with receiving system see col. 6 line 65 through column 7 line 9.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Urquhart et al. US Patent 7,328,219 B2

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571)272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greta L. Robinson/

Primary Examiner, Art Unit 2169a

November 20, 2008